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SEXUAL ORIENTATION

A Policy Planning Report - Prepared For The

CANADIAN HUMAN RIGHTS COMMISSION

August 1979.

This study was prepared under contractual arrangements with the Canadian Human Rights Commission. The views expressed herein do not necessarily represent those of the Canadian Human Rights Commission.



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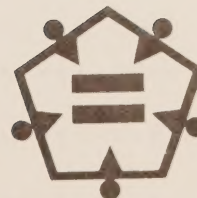
A Policy Planning Report - Prepared For The

C A N A D I A N H U M A N R I G H T S C O M M I S S I O N

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A. BACKGROUND TO THE REPORT

Since its inception, the Commission has strongly advocated the inclusion of sexual orientation as a proscribed ground of discrimination under the Canadian Human Rights Act. In its Special Report to Parliament in January 1979 the Commission recommended that the Act be amended to include sexual orientation.¹ Prior to this - and well before the final reading of Bill C-25 - the Chief Commissioner, Gordon Fairweather was arguing persuasively for its inclusion before the Standing Committee on Justice and Legal Affairs.² Similarly, in its presentation to the Special Joint-Committee of the Senate and of the House of Commons on the Constitution of Canada the Commission recommended that sexual orientation be included in the proposed Charter of Rights and Freedoms.³

In spite of these unequivocal requests for legal protection for those whose sexual orientation may bar them from equal access to employment, accomodation and services the Commission's efforts have been thwarted, and a large minority of Canadians remain legally defenceless.

This Report forms part of the Commission's continuing assessment of the situation. It is based on a more focused, analytical appraisal of socio-political variables influencing the reception of the Commission's proposals for inclusion of sexual orientation in the Act. In addition, the establishment

*Please see footnotes of beginning of Section V on Page 61.

of lines of communication with representatives from the homosexual communities in Ottawa, Toronto, and Montreal, and an active participation in the Canadian Lesbian and Gay Coalition's annual conference has also contributed to a more clearly defined perception of the problems involved*.

* The Niemann Position Paper, produced earlier at the Commission, adopted no conceptual framework to analyse the issues involved.

B. ANALYTICAL FRAMEWORK

The analysis undertaken for this report is not circumscribed by any one analytical framework, but rather borrows from a number of theoretical models of individual and societal behaviour. There is, however, a strong structural bias since it is through our socio-political organizations that individual prejudice becomes institutionalized and accepted as the norm. Any eclectic analysis of this kind facilitates a greater awareness of the root causes of discrimination at both individual and societal levels.

That homosexual men and women in Canada experience both personal and institutionalized forms of discrimination - at both provincial and federal levels of jurisdiction - is irrefutable and is well-documented in this report.

C. THE COMPLEXITY OF THE ISSUE

The impediments to achieving legal protection against discrimination on grounds of sexual orientation are numerous. Manifestations of these barriers include time-honoured discriminatory laws, unfair hiring practices, and overt homophobic attitudes, all of which potentially place the homosexual individual in a disadvantaged position in terms of equal access to employment-opportunities, accommodation and public services.

On the one hand, these barriers militate against acceptance of inclusion in the Act of sexual orientation, for the immediate future but, on the other it does yield a number of avenues by which the Commission may approach the problem of ameliorating the situation.

To aid the assessment of how the Commission may best formulate and implement policy to change the status quo each problematic area is carefully reviewed.

D. DEFINITION OF TERMS

i. Sexual orientation.

In the Ontario Report "Life Together" part 10 of the proposed revision of that province's Human Rights Code defines sexual orientation as encompassing heterosexuality and homosexuality.⁶

The meaning of sexual orientation in the Québec charter is not defined and is therefore open to wide interpretation. During the debates on the amendment of the Charter to include this ground the Minister of Justice defined sexual orientation as "an individual's sexual tendency, preference and behaviour, be he male or female".⁷ Of the approximately twenty-eight complaints received to date the complainant's sexual orientation has been homosexual in each case.

In the repealed Dade County Ordinance #77-4 sexual orientation is defined as "affectional or sexual preference by a person for another person regardless of the sex of the person involved".

Toronto City Council's resolution prohibiting discrimination on grounds of sexual orientation in municipal employment defines sexual orientation as including heterosexuality, homosexuality and bisexuality.⁸

- ii. Homophobia is irrational fear and hatred of homosexuals.
- iii. Homosexuality. The Oxford English Dictionary's definition of homosexuality "having a sexual propensity for persons of one's own sex," may be too narrow in that it ignores the psycho-emotive component of homosexuality.

Money and Tucker define it as "the erotic response to individuals with the same kind of external anatomy as oneself."⁹ "Homo" comes from the Greek word meaning "same". Thus "homosexual" may refer to both males and females. Lesbian is another term for the female homosexual. It's origin dates back to the famous sixth century B.C. female, homosexual poet, Sappho, who was born on the island of Lesbos.

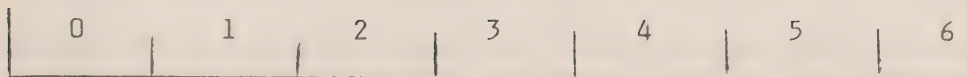
Ambisexual/bisexual describes those who alternate between male and female sex partners.

Gay is not a synonym for homosexual. It is used to describe those homosexuals (especially male) who openly accept their sexual orientation.

The complexity of the homosexual phenomenon was first-probed by the noted sex researcher Alfred Kinsey.¹⁰ His research yielded a classification of human sexual propensity ranging from exclusive heterosexuality to exclusive homosexuality.

HETEROSEXUAL

HOMOSEXUAL



- 0 - entirely heterosexual
- 1 - largely heterosexual
- 2 - largely heterosexual, but with a distinct homosexual history.
- 3 - equally heterosexual and homosexual
- 4 - largely homosexual, but with a distinct heterosexual history.
- 5 - largely homosexual, but with incidental heterosexual history.
- 6 - entirely homosexual.

An individual may be classified at different points on the scale at different periods during his or her lifetime.

E. INCIDENCE OF HOMOSEXUALITY

The first extensive studies conducted by Alfred Kinsey at Indiana University's Institute for Sex Research in the 40's and 50's revealed that:

- .. 37% of men had experienced homosexual orgasm since puberty
- .. 13% of men were predominantly homosexual for at least three years of their lives between the ages of 16 to 55 years.
- .. 4% of men were exclusively homosexual.
- .. 14% of women had experienced homosexual orgasm at some time after puberty.
- .. 7% of women were predominantly homosexual for at least three years between the ages of sixteen and fifty-five years.
- .. men were often very promiscuous whereas women limited themselves to one or two partners.

More recent studies conducted by Kinsey's successor, Paul Gebbard,¹¹ at the Institute reveal that:

- .. 1/4 to 1/3 of college-educated males have had some open-homosexual experiences.
- .. 9.13% is a conservative estimate of the number of people who have "extensive" or "more than incidental" homosexual experiences.

Extrapolating these statistics to the Canadian population, (23,690,500 - July 1, 1979) yields a figure of over two million persons (2,163,000) whose sexual orientation is predominantly homosexual. A 1971 study conducted by Dr. Ernest-Nagler of the Clark Institute of Psychiatry confirms the assertions of many researchers, that homosexuals are found in every walk of life, without exception.

Homosexuals tend to congregate in the larger cities, such as Toronto and Vancouver, where their lifestyle needs are better met. According to Alain Bouchard, a gay Montreal psychologist and one-time militant member of the gay community, there are approximately 300,000 homosexuals in Montreal, and over 40,000 in Ottawa. For Ontario a conservative estimate of the exclusively homosexual minority has been set at 275,000.¹²

F. AETIOLOGY OF HOMOSEXUALITY

There is no universally accepted explanation for heterosexual behaviour, or for homosexual behaviour. The significance of research results to date is that it reveals sexual orientation to be determined at an early age. Therefore sexual orientation is as much an integral part of each individual as is race or gender. It can't be changed.

Psycho-analytic theory posits that homosexuality represents a failure to progress normally through the oral, anal and genital stages of psycho-sexual development.

Freud, the father of psycho-analytic theory believed that all persons are bisexual and that everyone goes through a phase of homosexual development. Of homosexuality he wrote "it is assuredly no advantage, but it is nothing to be ashamed of, no vice, no degradation; it can not be classified as an illness; we consider it to be a variation of the sexual function ... Many highly respectable individuals of ancient and modern times have been homosexuals... It is a great injustice to persecute homosexuality as a crime and a cruelty too..."¹³

Researchers such as Havelock Ellis have advanced the notion that homosexuality is inborn, or the result of some hormonal imbalance. However, Freedman (1971) in his survey of the literature concludes that "when individuals who are predominantly homosexually

oriented are compared with heterosexually oriented individuals on the bases of chromosomes or nuclear sex, no differences are found."¹⁴

Perhaps the most promising research relating to the aetiology of homosexuality is that conducted recently by Money and Tucker (1975), Green (1976) and Whitam (1977). Their research centres around gender identity and role acquisition. Their theoretical position encompasses the notion that each individual has an inborn gender disposition which matures to differing degrees to an identification of self as male or female.¹⁵ The environmental forces impinging on the individual during the first-few years of life are of paramount importance in this gender affirmation process. Of special significance is the consistency of parental expectation with regard to gender specific behaviour. According to Money and Tucker by the time adolescence is reached gender identity and sexual orientation is firmly established. Neither homosexual experimentation, nor seduction by heterosexuals, nor indeed heterosexual experiences by homosexuals, detracts from this immutability. What the research does not clarify is whether homosexuality results from cross-sex gender identification or whether sexual orientation is partially independent of gender identity.

All of these theories have some validity but, none fully explains why approximately 90% of people become heterosexual and approximately 10% become homosexual. The only certainty is that sexual orientation develops through the complex interaction of biological, psycho-social and socio-cultural variables, pertinent to varying degrees in each individual's early life.

Hooker's and Weinberg's recent research into psychological well-being reveals no major differences between homosexual and heterosexual functioning. This finding is replicated in most of the research in which heterosexual control groups are used for comparison purposes. (See Appendix I).

G. INSTANCES OF DISCRIMINATION

The homosexual minority is caught up in a vicious circle of fear, prejudice and legal helplessness. The lack of protection against discrimination under the law and fear of recrimination from family and heterosexual friends should their sexual orientation become known militates against disclosure of discrimination. Only those instances in which individuals are strong enough to meet the potentially abrasive impact of attempting redress become known. John Damien exemplifies this kind of person. After four years and thousands of dollars worth of legal wrangling Mr. Damien is still seeking redress. He was fired in February of 1975 from his position as racing steward for the Ontario Racing Commission. The Chairman, Charles McNaughten, admitted that Damien's homosexuality was the reason for dismissal and "not because he wasn't a good judge."¹⁷

In spite of the negative repercussions of disclosure many homosexuals are willing to adopt what is characterized as the "gay" or open stance as far as their sexual orientation is concerned. Because of this openness evidence is accumulating as to the extent of discrimination. (See appendix VI).

H. SUMMARY

Over two million homosexual Canadians represented in all sectors of society - and indeed the other twenty million heterosexuals - have no federal legal recourse as far as discrimination on grounds of sexual orientation is concerned. The Canadian Human Rights Commission has been active and vocal in its promotion of rectifying this situation.

The sexual orientation of individuals is part of a complex interaction between psycho-social, socio-cultural and biological variables which apparently "fix" an individual's sexual orientation before adolescence is reached.

More instances of alleged discrimination are being made public. Fear and prejudice inhibit full, open and frank discussion of sexual orientation.

To fulfil the intent of its policy statement, or indeed to make any revision to it, the Commission needs to be cognizant of the societal forces which militate against acceptance of their proposal for amendment of the Act to include sexual orientation. A more analytical focus than was adopted in the Niemann Paper will achieve this end and furnish the Commission with a broader base from which to plan and implement policy in regards to this issue.

S E C T I O N I I

I N S T I T U T I O N A L I Z E D D I S C R I M I N A T I O N

INTRODUCTION

- A. Public Attitudes
- B. The Church
- C. Law Review
- D. Police Practices
- E. The Politics of Exclusion
- F. Summary

INTRODUCTION

Policy planning with its attendant implications for implementation, necessitates a comprehensive assessment of the socio-political climate. This section addresses the issue of sexual orientation in this context.

There is some evidence to suggest that homophobic prejudice on the part of individuals is decreasing. However, once prejudice has become structurally embedded in societal organizations and certain groups of individuals are institutionally designated sick, criminal, or sinful, or even "difficult", the resultant double standard is not defined as such, nor is it easily identified.

Organizations through which institutionalized forms of discrimination are promulgated are identified and analysed in terms of resistance to change. The implications of this in terms of policy alternatives for the Commission are dealt with briefly in this section and in detail in Section IV.

Other problem areas, such as societal ambivalence in regard to homosexuality are taken into account also.

A. PUBLIC ATTITUDES

The public attitude towards homosexuality may be divided into two distinct but interactive categories both of which are pertinent to the Commission's assessment of the issue. It is the interaction of these two attitudes which result in the ambivalence which characterizes Canadians' stance on the issue.

On the one hand there is the private attitude to homosexuality per se with its attendant implications regarding sexual acts between members of the same sex, and on the other there is the public attitude to providing legal protection for individuals, regardless of their sexual orientation. The former category is characterized by a great deal of homophobic ignorance perpetuated by adherence to stereotypic assumptions about homosexuality, whereas the latter is characterized by a more rational recognition that sexual orientation is not in and of itself adequate justification for denying individuals access to employment opportunities, accommodation, or public goods and services. Research to date substantiates these contentions. Three Canadian opinion polls indicate greater acceptance of the Commission's proposals for increased legal protection against discrimination on the basis of sexual orientation. They are:

Data Laboratories Research Consultants Survey, published in "Weekend Magazine" December 1977, Toronto Star Survey June 29, 1977 and the Canadian Human Rights Commission's own question on the issue included in the survey conducted by Complan Research Associates Ltd.

The first poll reveals that 69.9% of Canadians agree that homosexuals should not be designated "criminal" because of consensual, sexual acts in private.

The second poll indicates that 52% of Canadians agree that sexual orientation should be included in human rights legislation.

The Commission's survey reveals that 68% of Canadians are in favour of professional qualifications taking precedence over sexual orientation in employment hiring policy.

Cross-cultural, comparative research confirms the trend towards greater tolerance. The work of Weinberg and Williams reveals that the Netherlands in particular adopts progressive policies in relation to equality of access to employment opportunities, accommodation, and goods and services which is unparalleled in any other country. In Holland homosexual couples are afforded the same privileges as far as housing is concerned that heterosexual couples are granted, and single, homosexual parents have the right to subsidized household help. In England Haringey is

one among a number of London boroughs to grant mortgages to same-sex couples. A national opinion poll on French attitudes towards homosexuality confirms the prevalence of tolerance in Europe. 55% of respondents felt homosexual activity was a "fundamental personal right."

Research studies such as these are clearly supportive of the Commission's stance on the issue. However, a cautionary word is in order. The wisdom of generalizing the results from these opinion polls to the larger Canadian population is open to serious question. A spot check of the sampling procedure utilized in the first poll cited revealed methodological weaknesses which vitiate the results. The response rate for that poll was 38.1% which the authors of the survey blithely declare to be "lower than we would normally consider acceptable." (See appendix II) That kind of response rate is totally unacceptable since the validity of a response rate of even 80% may be called into question.

Research on public attitudes to homosexuality per se reveals much more biased attitudes. Research conducted in the States indicates that "the public has difficulty in recognizing that love can exist between persons of the same sex," and that three quarters of the adult population adhere to a belief in certain myths pertaining to homosexuals.²⁰ Since these myths are based on stereotypic notions of homosexuality the implications

of this for any organizations with an educative mandate and commitment to human rights is clear.

These myths are that:

- .. homosexual men are effeminate and homosexual women are masculine
- .. homosexuals are obsessed with sex
- .. homosexuals recruit other people to homosexuality
- .. homosexuals are child molesters.

The last two mentioned are of special significance in that they are especially pervasive. As stated earlier, most of the research into the aetiology of homosexuality indicates that sexual orientation is established at an early age so that homosexual seduction or experimentation will not alter sexual orientation. The stereotype of the homosexual as child molester bears no semblance to reality. Joseph Messner of the Children's Aid Society in Ottawa confirms the statistical evidence indicating that most sexual offenses against children are perpetrated by males who are often related to the victim.²¹ Mohr concludes "the average homosexual is no more a seducer of children than the average heterosexual."²² It should not be forgotten that there are very adequate laws to protect children from sexual exploitation from whatever source, be it homosexual, or heterosexual. Professor Cyril Greenalnd, McMaster University

reiterated this point in his submission to the Standing Committee on Justice and Legal Affairs:

almost two thirds of convictions for dangerous sexual offenses are for heterosexual offenses.²³

In addition, research indicates that homosexual parents raise children whose sexual orientation is heterosexual.²⁴ Thus, the heterosexual fear that proselytization may increase the 10% homosexual minority appears to have little credence in reality. Canadian sociologist Brian Millar studied fifty gay parents over a three-year period and reports that homosexual fathers "neither molest their children nor do they raise a disproportionate number of offspring who turn out to be gay."^{24a} Societal pressure to conform to majority norms appears to outweigh parental role models in this instance. Bell (1973) concludes "Children of gays are no more likely than other children to have emotional problems, adopt opposite sex-typed behaviours or become gay themselves."

Some of the employment policy statements from organizations polled for this report (see Appendix III) indicate that homophobic attitudes may be decreasing. All too often, however, there is no overt policy statement to guide personnel managers. Adoption of official policy guidelines in this regard would be a simple but affirmative step. The Commission may wish to make

advocacy of this for all organizations under federal jurisdiction an integral part of employment hiring policy.

In summary, public opinion is at best characterized as ambivalent. A majority appears to favour extension of legal protection to homosexuals in the area of employment, accommodation, goods and services but, at the same time this is tempered by deep-seated, stereotypic assumptions about the nature of homosexuality. Educative programs aimed at eliminating these myths would undermine their potential for perpetuating prejudice.

B. THE CHURCH

Canadian society is strongly influenced by the Judeo-Christian heritage. Through the Church homosexuality has been institutionally defined as sinful.²⁵ The ramifications of this in terms of perpetuating prejudiced attitudes is significant. However, the Christian principle advocating acceptance of "sinners" has led to a greater degree of tolerance towards homosexuals. This comes about through recognition of what the fundamentalists refuse to acknowledge - that the early Jewish advocacy of sex-for-procreation only had its roots in the need to remedy their minority position.

The Old Testament passages most often posited as indicative of God's will in relation to homosexuals are found in Genesis 19. Both incidents depict severe punishment from God because of the homosexuality of its citizens. More refined scholarship, combined with the Church's preferred emphasis on God the loving father, rather than a vengeful arbiter of divine justice has led to re-interpretation of these passages. D.S. Bailey maintains that the men of Sodom and Gibeah were punished not for homosexuality but for inhospitable treatment of visitors.

This re-interpretation of the Old Testament and the New Testament emphasis on love and understanding has led the major religious denominations to ease their policy positions on homosexuality. A brief synopsis of these positions reveals the Church to be unanimously supportive of the Commission's

advocacy of equal access to employment opportunities, accommodation, and public goods and services for homosexuals.

United Church:

"We can begin by affirming the right of persons regardless of sexual orientation to employment, accommodation, and access to the services and facilities that they need and desire." 26

The Anglican Church of Canada:

"We affirm that homosexual persons are entitled to equal protection under the laws with all other Canadian citizens." 27

Roman Catholic Church:

"The Catholic Church believes that homosexual acts are objectively wrong but that an individual homosexual may not be acting in sin since his or her sexual orientation is apparently not a matter of choice."

The National Federation of Priest Councils (United States)

"The N.F.P.C. expresses its opposition to homosexuality as such being the basis of discrimination against homosexuals in employment, governmental service, housing and child rearing involving natural or adoptive parents." 28

Canadian Unitarian Council:

The seventeenth annual meeting of the Canadian Unitarian Council encourages all societies and individual members to support all efforts to modify federal and provincial codes of human rights to bar discrimination based on sexual orientation.

Metropolitan Community Church has over 100 branches in North America and offers "a special ministry," for homosexual men and women, which is based on acceptance of homosexuality as an alternative lifestyle.

In making the important distinction between the private, moral issue of consensual, sexual behaviour in private and the public ethical issue of deprivation of rights because of those acts, the Church is effectively lessening the ideological underpinnings of institutionalized intolerance which has long-served to deny homosexuals their basic right. In 1969 Canada formalized this distinction by decriminalizing consensual sexual behaviour conducted in private between persons over twenty-one years of age.

C. LAW REFORM

Entrenching prejudiced attitudes in law provides another example of the way in which society institutionalizes discrimination. The mental health professionals' definition of homosexuality as a mental disease (prior to 1975) served to justify negation of rights to the homosexual minority. Although the Canadian Psychiatric Association concurs with the American Psychiatric Association's revocation of this designation, the time lag between enlightened opinion and amendments to laws to reflect this progressive thinking may be considerable. Therefore although "homosexuality per se implies no impediment in judgement, stability, or reliability ..." and the American Psychiatric Association "deplores all public and private discrimination against homosexuals in such areas as employment, housing and public accommodation ...,"²⁹ the tardiness of politicians to promote legal recognition of this in progressive amendments to the law protracts the length of time homosexuals are forced to remain in a legally defenceless and untenable position. In addition it serves to buttress stereotypic notions concerning homosexuality.

Perhaps the most blatant example of a legal double standard for homosexuals and heterosexuals is contained in Sections 146, 151 and 152 of the Criminal Code which specify the ages of consent for heterosexual acts between unmarried persons. For homosexuals the age of consent is twenty-one years whereas the heterosexual age of consent is eighteen for males and sixteen for females.

The Immigration Act which was amended under the Trudeau administration in June of 1977 affords another example of institutionalized discrimination. Until the Act was amended immigrant status could be denied solely on the basis of sexual orientation. (The U.S. Supreme Court allows the immigration service to include homosexuals in the category of "undesirable, psychopathic aliens" Globe & Mail 21-06-79).

Blatantly discriminatory laws and obvious omissions in providing protection against discrimination on the basis of sexual orientation in the Unemployment Act, Canadian Labour Code,* Canadian Human Rights Act and the Public Service Employment Act serves to affirm in the public mind the correctness of prejudiced attitudes which maintain people in a disadvantaged position.

The paradoxical duplicity of a legal code which ostensibly places individuals beyond criminality in regards to consensual sexual acts in private, yet which fails to cement that affirmation in legal protection against discrimination because of those acts smacks of an hypocrisy which does Canada no credit.

The Canadian Human Rights Commission may wish to examine and discuss Clause 10a. ii. of the Fair Wages and Hours of Labour Act which may be interpreted as including sexual orientation since it prohibits a contractor from discriminating against an employer because "of the race, national origin, age, sex or marital status, of any person having any relationship or association with that person". Underlining added.

Appendix IV is a comprehensive list of places in North America which affords protection against discrimination on grounds of sexual orientation.

Saskatchewan, Ontario and Alberta have all requested that sexual orientation be included in their human rights legislation. Québec is the only province which has enacted such legislation (See Section III)

The British Columbia Human Rights Code has been interpreted as protecting individuals from discrimination on the basis of sexual orientation as far as equal access to services are concerned but, the recent Supreme Court ruling in the case of the Gay Alliance against the Vancouver Sun concurring in an earlier decision that "if a bias is honestly entertained then it is reasonable and acceptable" does little to engender optimism.

D. POLICE PRACTICES

A disturbing finding resulting from the research for this Report is that individual prejudice on the part of some police officers in combination with over-zealous enforcement of discriminatory laws produces a particularly insidious form of oppressive denial of peaceful access to public services. Time limitations prevented the full extent of what is aptly described as "harrassment" and entrapment" from being ascertained but, these Ontario examples are reported to be typical. Ottawa author, Paul-François Sylvestre, gives other numerous examples of this kind of police oppression in his book "Les Homosexuels S'Organisent".

Sociological research indicates that homophobic attitudes are prevalent in police organizations. Homosexuals have been found to be the second most disliked group of police clientele.³⁰ This dislike is manifested in rough treatment and sometimes brutality.³¹ The actions of some of the members of the Toronto police force attest to the generalizability of this American research to Canada. Blatent homophobic attitudes are evidenced in the much publicized article, "The Homosexual Fad" by Sgt. Moclair.

These attitudes are even being promulgated, albeit unwittingly by the Toronto Board of Education. At Castle Frank School volunteer policemen teach a course, to eleven and twelve year olds, part of which is designed to test their perceptiveness. The children are expected to check off on a sheet - which is used by police to compile descriptions of suspects - what

they have seen. Categories include:

deviate - homosexual and lesbian

amputations and deformaties - plate in head, appears feeble, simpleminded and thick lips.

colour- white, black, yellow, red indian brown, Malay, East-Indian, Egyptian.

Apparent nationality: Italian, French-Canadian, Jewish, Gypsy, Oriental and Canadian.

Trustee Jean Dorion points out that this "raises grave doubts about the sensitivity and intelligence of (some members) of the police".^{31a}

Equally disturbing is the fact that nine days after the December 9 raid on the Barracks, a Toronto steam bath, a sixteen-year veteran of the Force took it upon himself to notify three school boards that six teachers, whom he named, had been charged with the summary offence of being "found-ins". All the men were over the legal age of consent. This officer has been reprimanded and the Police Force has been advised by the Metropolitan Legal Department not to pass on such information. The assertion by Mr. Justice Morand contained in the Royal Commission report ...

into Metro Toronto Police Practices (1976) that "we cannot tolerate a policeman who perceives his function as extending beyond the apprehension of a criminal to acting as a judge and jury" clearly needs to be heeded.

The raid on the Barracks was invoked under Section 193 of the Criminal Code which pertains to "common bawdy houses." There is obvious need for revision of this law. In most cases persons are innocent until proven guilty but under clause 4 of this law if a person is a "found in" he is deemed to have committed an offence unless he proves that he has taken all reasonable steps to prevent the occurrence of the offence. Section 194 is equally in need of drastic revision, or repeal. Its prohibition against responding to a request for information as to the whereabouts of a "common bawdy house" is unwarranted, legal paternalism.

It should be noted that the police dropped prostitution charges against the twenty-five "found-ins" at the Barracks. They were all over twenty-one and were thus not exceeding the limits of the law in whatever they were doing but, the debate continues before the courts.

Although the police department encourages community liaison and educative programs to deal with minority groups the degree

of resistance to change is of enough magnitude to cause concern. Toronto Mayor John Sewell is one such concerned individual who is vocal in his advocacy for changing attitudes, organizations and the law in connection with sexual orientation (see letter on file). Toronto councillors approved by a vote of 17-14 a demand that the Police Commission adopt an anti-discrimination order which includes sexual discrimination. Logically, a formal affirmation of respect for the groups mentioned in the resolution is very appropriate. But the Metro Chairman, Paul Godfrey, did not support the decision and instead submitted a watered-down resolution which stated that "the Force and its employees do not discriminate ... in dealings with the public." One writer crudely but succinctly draws on the notion of democratic principles to ask "Do we have responsible municipal government, or are we in trusteeship to a few non-elected despots ..."

This question is just as relevant in regard to those policing organizations which come under federal jurisdiction.

E. THE POLITICS OF EXCLUSION

Careful reading of the transcripts from the Standing Committee on Justice and Legal Affairs during the hearings on the human rights legislation reveals that membership in a political elite does not guarantee immunity from homophobia. That sexual orientation was described as "this kind of thing" and that Mr. Fairweather's suggestion that studies were needed on the issue was taken as an "affront" attests to this.³³ Other reasons for exclusion of sexual orientation included a concern that the Commission would be "over-burdened" and that its "effort and organizational skill should surely start first with those characteristics over which one has often very little choice or the ones that are associated generally with the fundamental freedoms ...". Thus, in part exclusion of sexual orientation was rationalized on the false premise that it is something which one chooses. Therefore it is pertinent to reiterate here that researchers state that sexual orientation is established early in life and is an immutable part of sexuality, be it heterosexuality or homosexuality. Furthermore, since creed, which one very definitely chooses is included, the argument is not persuasive. Clearly, exclusion has to be premised on what is ostensibly much firmer ground. National security considerations are therefore brought to the fore. Paragraph 100 of the 1969 Royal Commission on Security recommended that "in the interest of the individuals themselves as well as in the interest of the state homosexuals should not normally be granted

clearance to higher levels, should not be recruited if there is a possibility that they may require such clearance in the course of their careers and should certainly not be posted to sensitive positions overseas. Since then, ten enlightening years have passed in which societal forces bent on achieving a more equitable society have come to the fore. Numbering among these forces are the Human Rights Commissions and the Gay Liberation Movement itself.

The R.C.M.P., Armed Forces and External Affairs all submitted briefs to the Deputy Minister of Justice during the discussions on the proposed federal human rights legislation. However, the substance of the submissions, which later was embodied in a Cabinet memorandum for the Security and Intelligence Committee, was discussed with a legal officer at the Department of Justice.

The organizations invoked national security to exclude sexual orientation from federal human rights legislation. Mr. Leggatt, NDP member, New Westminster, B.C. made the irrefutable observation before the Justice and Legal Affairs Committee that if homosexuals were protected from losing their jobs as a result of exposure, the major reason for fear of being exposed would be eliminated and the vulnerability to blackmail would be greatly lessened.

Writing in response to a request for their present policy positions Commissioner Simmonds of the R.C.M.P. and Admiral Falls of the Department of National Defence re-state their firm opposition to including sexual orientation in the Act. [See Appendix III - (In keeping with their request the response from the R.C.M.P. is not included)] They believe that if they were legally bound to disregard sexual orientation in their employment policies, "serious disruptions of discipline and morale would ensue and the Forces image would be seriously tarnished."

If there is any validity to their assumptions the obvious course of action is to make heterosexuality a bonafide job requirement in certain sensitive areas. The denial of basic rights to a large minority because a small number of them may be subject to blackmail is morally reprehensible.

This strict adherence to reasoning which effectively denies over two million persons a fundamental right to legal protection from discrimination in areas of employment, accommodation, and goods and services, may be attributed in some measure to a deeply-rooted homophobia which makes some people incapable of even uttering the word "homosexual".*

* This was the case in one telephone interview with an RCMP officer who admitted that "people like that" were not welcome in the RCMP. His unwillingness to speak on the subject was adroitly expressed in his suggestion that "Your heavies write to my heavies."

Canada is certainly not alone in this issue. The British exclude homosexuals in the Armed Forces and merchant navy, the Americans officially exclude them from the F.B.I. and C.I.A. (although homosexual agents have been used),³⁵ and even in Holland, the most tolerant country in the world on this issue, homosexuals are excluded from the military.

Ironically, these organizations on which society bestows the most power are the organizations which are the most resistant to societal pressure to change the status quo. Recognition of this fact is evidenced by Robin Bourne's* assertion that "getting an institution like the Force (RCMP)... to change directions is like trying to turn around a jumbo oil tanker." ³⁶

In Canada this lack of respect for our society's democratic principles has degenerated into a flagrant misuse of power by the R.C.M.P. The Institute for Research on Public Policy documents this stance and declares it to have "reached the point where the notion of ministerial responsibility has become essentially meaningless."³⁷ Sociologists John Allan Lee and Edward Mann go even further in this indictment to suggest that politicians are vulnerable to political blackmail from the R.C.M.P.³⁸ The seriousness and implications of this in terms of the Commission's proposals for amending the Act are far-reaching and militate against early amendment.

* Police and Security Planning and Analysis Branch,
Ministry of the Solicitor General.

Historically, the Armed Forces has had a policy of excluding homosexuals, although in 1968 the Minister of Defence, Leo Cadieux, in response to Mr. Douglas Sander of Vancouver, wrote "A member of the Forces would not be automatically discharged if it were learned that he or she were a homosexual." Nevertheless, Canadian Armed Forces Administrative Order 19-20 states that Service policy does not allow retention of sexual deviates in the Force. When it is decided that a person is to be released, "action shall be taken as quickly as possible to effect the release with a minimum of publicity." Revocation* of this order in 1976 does reveal an ostensible responsiveness to modern research which rarely uses the "deviate" label (re-definition is clearly called for when the "deviates" number 2.2 million), and to public opinion which the Commission has verified is in favour of a non-discriminatory hiring policy even in the sensitive area of national security. The precise wording of the question[†] in the survey precludes any ambiguity. A significant majority, 68%, of Canadians sampled are unequivocally in favour of equality of opportunity in regards to employment in "sensitive" areas.

The implications of this finding for a society premised on democratic principles is clear.

* Homosexuals may be "dealt with under Queen's Orders and Regulations 105.25, Scandalous Conduct by Officers or 103.26 Cruel or disgraceful conduct.

+ Mr. John Smith, a self-acknowledged homosexual has applied for for a job as a national security agent with the RCMP. His professional qualifications are better than those of other applicants. Mr. Smith is hired. Do you agree.....

The onus is on these agencies and the Cabinet to justify publically the exclusion of sexual orientation. The Commission as an agent of 2.2 million people is well-equipped now in terms of "experience with the Act", or more importantly in terms of experience with government resistance (e.g. Immigration Department) to apply pressure in strategic places. (see Section IV).

F. SUMMARY

The analytical perspective of this section focused on the way in which individual attitudes premised on stereotypic myths about homosexuality become translated into an institutionalized homophobic system of values which is highly resistant to change.

Some of those organizations upon whom society has bestowed the most power are the ones most resistant to change.

According to research surveys the public is showing increased tolerance towards individuals with a homosexual orientation.

Based on the understanding that there are no immutable, ethical rules in the Bible concerning homosexuality the Church is replacing ideological orthodoxy with policy statements embodying principles of Christian tolerance.

Parts of the Criminal Code that are invoked to justify harrassment of homosexuals are not consistent with the democratic principles on which our political system is founded.

Constant pressure from individuals and organizations concerned about social justice should place the onus of justifying discriminatory practices on those who would deny Canadians their fundamental rights.

S E C T I O N I I I

T H E G A Y L I B E R A T I O N M O V E M E N T

INTRODUCTION

- A. Lifestyles
- B. Organizations
- C. Radicalism
- D. Summary

INTRODUCTION

Homosexuals in Canada have been institutionally labelled as sick, deviant and criminal. The Gay Liberation Movement is the homosexual response to that characterization.

Formal organization began in 1971 when the Community Homophile Association of Toronto was founded by George Hislop. Prior to this, associations within Toronto and York Universities had been established. Notions of "gay pride" filtering through from the States gave added momentum to the movement in Canada.³⁹

Today many of the 2.2 million homosexuals in Canada have committed themselves in one way or another towards enlightening the heterosexual majority about the homosexual way of life.

A. LIFESTYLES

One result of the Gay Liberation Movement is that homosexuality as a way of life is now held up as a viable alternative for those whose sexual orientation is biased in that direction. Notions of "gay pride", reinforced by research indicating not only the non-pathological origins of sexual orientation but also its innocuous effect on psychological functioning, have precipitated an increase in the quantity of information concerning "the homosexual lifestyle."

Judging the effects of "opening up the closet door" on attitudes towards homosexuals is hard to ascertain since societal ambivalence towards homosexuals, manifested in more favourable attitudes towards equality of opportunity, but less favourable ones towards homosexual behaviour per se, is still very much in evidence. The resurgence of conservative fundamentalist groups - in the States, Save Our Children, Anita Bryant, and Renaissance International, Campbell in Canada- which feed on and promulgate bigotry may well be signalling a new wave of homophobia. Bumper stickers exhorting people to "Kill a Queer For Christ"⁴⁰ and the repeal of laws protecting individuals from discrimination in jobs, housing and public accommodation in Dade County are indicative of the sway these groups have. Since politicians are not known to curry electoral disfavour the likelihood of their speaking out on this issue, let alone pushing for human rights legislation in this regard is remote,

at least for the immediate future. The implications of this for the Commission are discussed in Section IV.

Remnants of the Judeo-Christian ideology prohibiting sex for anything other than procreation may be the major stumbling block to greater tolerance of the homosexual lifestyle.

Male homosexuals' sexual encounters are often of a casual nature initiated by "cruising" public places such as gay bars and parks to look for partners.⁴¹ (Lesbian relationships are more stable and longer lasting). A research study from the Kinsey Institute for Sex Research in Indiana reveals that of five hundred and seventy-five men interviewed more than half of them had had more than five hundred different partners.⁴² These five hundred and seventy-five men may not be representative of male homosexuals in general, but that would be no concern to the popular press, nor to the recipients of the information. The handling of material relating to emotive issues may be used or misused depending on the motives of the handler. Those concerned with the educative component of human rights need to communicate well this fact to the public, along with the reminder that the State does not legislate against heterosexual promiscuity.

B. ORGANIZATIONS (See Appendix V)

The decriminalization of consensual sexual acts conducted in private heralded a wave of optimism in the homosexual community. A new sense of freedom evoked discussion on sexuality. The time was ripe for the establishment of homophile organizations.

Many of the homosexual organizations across Canada were formed as informal discussion groups within the universities. From these meetings emanated a greater awareness of the need for active promotion of their right to freedom from harrassment, and of their right to equality of opportunity in the heterosexual world. The Canadian and Lesbian Gay Rights Coalition was formed to co-ordinate activity on a political level.

The Body Politic newspaper is an important vehicle for disseminating information to those interested in the Gay Liberation Movement. It embodies the spirit of the more radical fringe within the movement and maintains a high profile, causing controversy among homosexuals and heterosexuals alike. It has borne the brunt of a court system which Katherine Ruff of the B.C. Commission characterized as "not supportive at all of human rights."⁴³ This highlights one of the major obstacles which hampers any social reform movement in its struggle to overcome oppression. The uneven distribution of power within Canadian society, coupled

with inequality of opportunity to gain access to confront that power are stalwart guardians of the status quo. The financial dice are stacked against the homosexual groups who wish to defend themselves before the courts. The Body Politic was acquitted before the lower courts of being "indecent" and "scurrilous." Provincial Court Judge Sydney Harris in his acquittal described the paper as "a serious journal of news and opinion" (which is now being delivered to the Commission Library where it will be filed for the Commission's use). Now, however, after one victory and thousands of dollars, the same battle is being re-fought before the Supreme Court of Ontario. The ethical issue centres not on the Attorney General's right to appeal the lower court's decision but rather on the initial disadvantaged position of the private citizen who tries to defend himself against the Crown.*

This situation has been ameliorated in Québec where the Human Rights Commission will seek redress before the courts on behalf of an individual.

* The Federal Government's recognition of this in relation to Native land claims policy led to the Government making available the large amounts of money needed for Canada's Native people to have at least an equal chance to prove their claims.

In the absence of help from the larger society the homosexual community has established services to cater to its members socio-psychological needs. Gay bars are a fixture in most large Canadian cities, dances are organized, and drop-in centres have also been established.

Services to provide for homosexuals' psychological needs are few and far between. Contemporary society's reaction to homosexuals - as documented in this report - may cripple an individual, psychologically placing him or her, as it does in the vast majority of cases, in the untenable position of having to be on constant guard against inadvertent admission of homosexuality.

Negative self-perceptions, the burden of hiding an important part of one's identity, and learning how to adjust to being homosexual/gay, take their toll in terms of being able to cope. "The rate of alcoholism among homosexuals is estimated at 20% to 30%, three to four times the rate among all adult Americans." 44

In Canada there appears to be only one concerted effort to help homosexuals. The Ville Marie Social Service Centre in Montreal established the Gay Social Services project four years ago to aid homosexuals in solving the problems arising from their sexual orientation. Other than this the counselling services offered by the non-professional volunteers attached to homosexual organizations has to suffice.

C. RADICALISM

Historically, the extent to which individuals have felt compelled to take militant action has been commensurate with the degree of group tolerance to frustration. Continual and flagrant denial of rights increases the likelihood of militant action being taken.

In Québec the homosexual minority tolerance level was seriously depleted by a series of events which left them pessimistic and angry.*

The first event was the denial of sexual orientation as a proscribed ground of discrimination, in the Québec Charter of Human Rights. This resulted in the founding of the Comité homosexuel antirepression on May 20, 1976.

Its members came from numerous gay groups and homosexual associations. The second event was what appears to have been part of a pre-olympic games "clean-up" campaign. A number of gay bars were raided by the police. This repressive assault on a place where homosexuals can socialize well together precipitated the militancy which led eventually to the Québec Human Rights Code being amended. Public demonstrations protesting the police raids were planned, l'Association pour les droits des gai(e)s du Québec (A.D.G.Q.) was formed, and committees were established.

* Information obtained from Alain Bouchard, and Bertrand Roy (Québec Human Rights Commission)

to deal with various aspects of the struggle for respectful recognition.

A raid on Le Truxx a gay bar in Montréal proved to be the catalyst to change the status quo. One hundred and forty six people were charged with being in a common bawdy house. Less than twenty-four hours later, two thousand people had joined in an illegal, spontaneous demonstration against the police action.

The third event was a television report on the news program "Télémag" which was watched by over one million viewers.

The A.D.G.Q. presented a brief to the Québec Commission which recommended an amendment. The amendment was passed swiftly and adopted on 19 December 1977.

This achievement of legal protection from discrimination on grounds of sexual orientation was characterized by:

- Police repression
- spontaneous demonstration
- increased publicity
- strategic timing for amendment (opposition at lowest ebb)

Of pertinence here is whether or not this order of events was a prerequisite for change, as far as this issue is concerned.

The politically moderate members of the Ontario Right to Privacy Committee is pondering this point at the present time. The Committee headed by Rev. Brent Hawkes was founded to combat the alleged discriminatory police actions after the Barracks raid. The Committee is becoming increasingly impatient with what it perceives as provincial police harrassment.

When gay groups are not forming in response to police raids or harrassment they are allying themselves with other groups who suffer discrimination. The Coalition for Life Together in Ontario consists of gay and physically handicapped people. Together they form a stronger unified voice demanding equality of protection. N.D.P. leader Michael Cassidy has observed that this kind of association with the more controversial gay minority may well be hampering progress in terms of amending the Ontario Human Rights Code to obtain social justice for the less controversial groups. Liberal leader, Stuart Smith has made the same observation, although both the N.D.P. and Liberal parties have adopted resolutions in favour of including sexual orientation as a proscribed ground of discrimination in the Act.

D. SUMMARY

The resurgence of conservative, fundamentalist groups poses a major threat to achieving amendment of human rights legislation. The success of the Anita Bryant "Save Our Children" campaign, in terms of obtaining revocation of human rights legislation in Dade County, attests to this. Her ability to permeate the minds of 69% of the 50% voter turnout with stereotypic bigotry about homosexual recruitment of children indicates the urgent need for educative programs on the issue.

The legal system places the homosexual groups in a disadvantaged position in terms of uneven distribution of power. "It is impossible to say that the courts have been good supporters of human rights."⁴⁵

In Québec, militancy and a spontaneous, illegal demonstration precipitated by police incursions into homosexual meeting places played an important role in the amending of the Québec Charter to include sexual orientation.

S E C T I O N I V

C O N C L U S I O N S A N D R E C O M M E N D E D
C O N S I D E R A T I O N S F O R I N C L U S I O N
I N
P O L I C Y P L A N N I N G

An analytical perspective, focusing on the way in which individual prejudice manifests itself at the societal level points to the significance of certain socio-political institutions as preservers of an inequitable system of social justice. Major attitudinal changes are a pre-requisite for modification of the institutionalized homophobic system of values which these organizations sustain. Until these changes occur, there is little likelihood that the Commission's proposals for inclusion of sexual orientation in the Canadian Human Rights Act will be implemented.

Change, at the level of public opinion and employment hiring policy, has been documented and is cause for optimism. However, institutions with a history of homophobic hiring policies - operating from a power base which enables them to dictate, without public justification, the pace at which change should occur in this regard - militate against progressive amendment to the Act. This places a society founded on democratic ideals in an untenable position.

Acknowledging the unpalatability of uncritical acceptance of public policy based on "secret" information, individuals and organizations whose broad mandate embodies principles of social justice are working towards that end.

The Canadian Human Rights Commission, the Canadian Bar Association and the Institute for Research on Public Policy number among those organizations whose efforts expose the weaknesses negating democratic principles on which this country is founded.

An adamant insistence on parliamentary consideration of including sexual orientation in the Act reflects the Commission's commitment to achieving legal protection from discrimination for all Canadians, regardless of their sexual orientation. Consonant with this aim the following recommendations are posited as major considerations for future policy planning and implementation:

- .. apply pressure on the R.C.M.P.,
the Armed Forces and government departments
to engage in full, frank and open debate on
the issue. A timely reminder that the
R.C.M.P. has a policy of structuring programs
to "be responsive to the ever-changing values of
Canadian Society"* may facilitate this.

* Justice and Legal Affairs 26-5-1977, 16A:39

- .. maintain the communication links established during the course of this project with homosexual groups (See Addendum B) David Garmaise of the Canadian and Lesbian Gay Rights Coalition is establishing a central registry to monitor alleged instances of discrimination.
- .. the Commission may wish to maintain a file devoted solely to information pertinent to instances of alleged discrimination which have come before the courts. Of special relevance are those precedents established in other countries:
May 22, 1972 - District of Columbia federal court. Benning Wentworth- 13 year old security clearance was revoked because of admitted homosexuality. Judge John H. Pratt ordered the U.S. Defense Dept. to restore Wentworth's security clearance. (American Civil Liberties Union).
- .. contact Des. Fitzmorris(P.S. Commission Appeals and Investigation Branch) who is presently concerned with attempts to place the onus on those who deny security clearance to provide adequate justification, or else take the matter before a tribunal.

- .. advocate that all employers who come under the jurisdiction of the Act adopt official statements on sexual orientation and hiring policy.
- .. initiate an investigation with Rev. Brent Hawkes into the treatment of homosexual prisoners who are denied letters from their homosexual friends.
- .. ascertain the feasibility of including information designed to refute stereotypic myths about homosexuality in educative material produced by the Commission.

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A P P E N D I C E S

APPENDIX I Summary of Research Studies (Using Control Groups)
===== On the Relationships Between Homosexuality and
 Psychological Functioning. (Freedman 1971)

RESUME DES RECHERCHES

FREEDMAN, Mark - 1971

Homosexuality and Psychological Functioning

Table 5

Researcher and Date of Publication	Results
Hooker (1957)	No significant differences were found between the number of "homosexuals" and "heterosexuals" having an adjustment rating of "normal" or better. (Two-third of each group were assigned an adjustment rating of "normal" or better.)
Liddicott (1957)	The "homosexual" group did not reveal any evidence of trends toward a psychopathic personality. A few highly neurotic individuals were found in both the experiental and control groups.
Armon (1960)	The majority of the "homosexual" women were as well-functioning as the members of the control group.
Chang and Block (1960)	The two groups of subjects did not differ significantly in their degree of self-acceptance or in regard to the kind of ego ideal toward which they aspired.
Coidge and Holzman (1960)	Only the "markedly homosexual" group gave evidence of disturbance; the "partly homosexual" group gave test results that closely approximated the results of the "heterosexual" control groups.

Researcher and Date of Publication	Results
---------------------------------------	---------

Cattell and Morony (1962)	"Homosexuals" resembled anxiety neurotics in their test performance of the 16PF test.
Dean and Richardson (1964)	"Homosexual" subjects at a high level of intelligence and effective functioning are very similar to the test performance of a comparable "heterosexual" group, both groups being in the "normal" range in test performance.
Deluca (1966)	On the Rorschach, the "homosexuals" varied as much from each other as from the controls; there seems to be no causal relationship between homosexuality and pathological functioning.
Miller (1966)	No significant differences were found in rated psychological adjustment between incarcerated women who engaged in homosexual activities and those who did not.
Schofield (1966)	The differences in psychological functioning between "homosexual" and "heterosexual" groups were very small.
Freedman (1967)	Homosexually oriented women were as well-functioning, or better functioning, than a group of heterosexually oriented women.
Hopkins (1969)	In place of "neurotic", other, more positive terms were suggested as descriptive of the homosexually oriented women studied.
Saghir, et al. (1970a)	Homosexually oriented men compared favorably with heterosexually oriented ones and were seen as functioning well despite slightly greater "disability" and life changes.

Research and Date of Publication	Results
Saghir, et al. (1970b)	Homosexually oriented women studied were able to achieve, adapt, and be productive citizens, and were only slightly more disturbed than the heterosexual control group.
Bell, A.P. and Weisberg M.S.	12% of gay men and 4% of gay women were considered socially "dysfunctional", but the majority lead stable, productive and well- adjusted lives.

APPENDIX II Methodological Weakness of Weekend Magazine Survey
December 1977.

This response rate of 38.1% is lower than we would normally consider acceptable, but this is a limitation of the low-cost N.M.D. service. The use of more rigorous call-back procedures to attain substantially higher response rates would result in a major cost increase. With responses from less than 40% of the original sample of telephone numbers drawn to represent the households in the cities surveyed, we must question whether or not those who responded are typical of all the households which should have responded.

We can derive some reassurance from the relatively consistent demographic composition of the waves in the N.M.D. service (see section 3.1). At the worst, we could consider the N.M.D. service as producing a quota sample geographically and demographically structured to represent the urban population of Canada, although we cannot consider the sample as a full-fledged equal acceptable probability design, because of the low response rate.

The Interview

The interviews were conducted as part of the N.M.D. omnibus telephone interview during the last two weeks of August, 1977. Interviews were conducted in both French and English in the province of Quebec, but elsewhere only English interviews were conducted.

The Questionnaire

The questions were developed by Data Laboratories Research Consultants, Montreal. We wish to express our appreciation to Dr. John Wright of McGill University Psychology Department and the Royal Victoria Hospital for his advice and suggestions concerning questionnaire design for this research,

National Market Development Ltd. formulated these questions into their standard questionnaire design.

APPENDIX III Employment Policy Statements

The Children's Aid Society
of Ottawa-Carleton

1370 Bank, Ottawa
K1H 7Y3

La Société de l'aide à l'enfance
d'Ottawa-Carleton

Director/Directeur
Joseph A. Messner



June 28, 1979

Mrs. Marjorie Ward
Canadian Human Rights
Commission
257 Slater Street
OTTAWA, Ontario
K1A 1E1

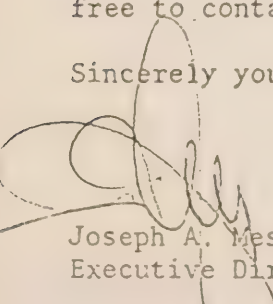
Dear Mrs. Ward:

In response to your telephone inquiry, I have made some inquiries in-house, and can only confirm that we have no precise data with regard to child abuse cases involving homosexual episodes. To the best of our ability, our staff can recall only two cases in which a parent or substitute parent have molested children, but are aware of a somewhat larger number of children who have presented problems in placement as a result of their sexual orientation.

As I have indicated to you, our union has attempted to introduce into our contract a clause providing for protection from discrimination on the basis of sexual orientation which we have rejected because, from time to time, we may find it necessary to discriminate when selecting suitable staff for the treatment of disturbed children with difficulties in their sexual development.

If you should require any further details, please feel free to contact me.

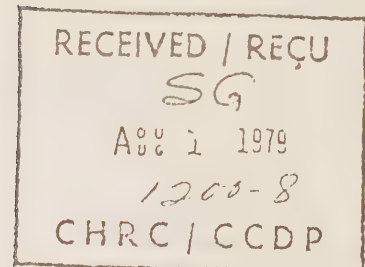
Sincerely yours,


Joseph A. Messner
Executive Director

26 July 1979

000016

Mr. R.G.L. Fairweather,
Chief Commissioner,
Canadian Human Rights Commission,
Ottawa, Ontario.
K1A 1E1



Dear Mr. Fairweather:

File out TO P.A. Service

Since your letter of 26 June to Mr. Nixon touched on the policy position of the Canadian Armed Forces with respect to homosexuality, I thought you might find my comments useful.

The policy of the Canadian Forces is that homosexual conduct is not condoned and, therefore, that homosexual persons are not knowingly enrolled or retained in the Forces.

This policy is based, for the most part, upon the fact that the Canadian Forces, unlike most other employers, provides in many instances a combined working and social milieu. Because in such a milieu persons having unusual behavioural traits may attempt to inflict them upon others, there is only one method of assuring our servicemen and women that their rights will be respected: by denying employment to homosexuals. This is particularly important when servicemen and women are ordered to isolated posts, to service at sea, or to a communal life in barracks or in the field; situations where personal privacy is difficult or impossible.

In such circumstances, where the employee has no choice as to either his environment or the company he keeps, the employer has an obligation to provide a milieu which is acceptable to the vast majority of his employees. As a matter of fact, experience has shown that the presence of homosexuals can be most disruptive. Such disruption often takes the form of physical attacks on the homosexual(s) concerned, and it is possible to prevent this sort of thing only by avoiding the employment of homosexuals in the first place.

There is also the serious question of the image of the Canadian Forces in the eyes of the public. This is of direct concern to me since the maintenance of a volunteer force depends a great deal on how that force is viewed by potential recruits and by their relatives and friends. My personal view is that

.../2

Department of National Defence
101 Colonel By Drive
Ottawa
K1A 0K2

Ministère de la Défense nationale
101, promenade Colonel-By
Ottawa
K1A 0K2

the majority of Canadians are not prepared to accept the idea of homosexuals in the Forces, and that they would not see such an organization as a suitable environment for their sons and daughters.

Unless and until social attitudes change considerably it is impossible to place homosexuals in positions where a security clearance is required. Such persons are still, in our society, subject to blackmail either directly or indirectly because of the involvement of a partner.

Finally, and most importantly, a substantial number of military personnel serve outside the country: under UN, NORAD and NATO auspices, or in Canadian military missions throughout the world. In a great many cases homosexuals would be ineligible for such service because of the laws or social mores of the host country. Such limitations on the employment of homosexuals are a fact of life and would seriously reduce the operational flexibility of the Forces.

I can sum up, by saying that a military force, particularly one composed of volunteers, has an image of itself which is to some extent determined by how it is viewed in the eyes of the nation, of foreign nationals, and of allied military forces. Military forces have historically seen morale, a function of self-image, as being of supreme importance in crisis situations. This military "spirit" depends upon group cohesiveness and a host of intangible factors; it can easily be destroyed but is extremely difficult to rebuild. To enrol or retain homosexuals would do grave damage to morale in the Canadian Forces and, for that reason alone, I see such a course of action as being unacceptable.

I hope these views will be helpful to you.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'R.H. Falls', with a stylized flourish at the end.

R.H. Falls
Admiral

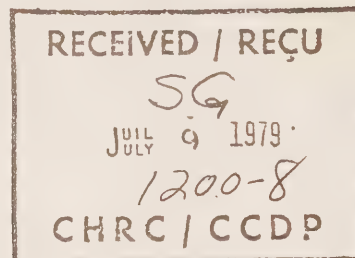


00011

General Office, 44 King Street West, Toronto, Ontario, Canada M5H 1E2

X July 4th, 1979

Mr. R.G.L. Fairweather
Chief Commissioner
Canadian Human Rights Commission
Ottawa, Ontario
K1A 1E1



Dear Mr. Fairweather:

Further to your letter to Mr. F. Goddard on the subject of sexual orientation.

It is probably fair to say that this is a non-problem. We, to date, have not had any incident of discrimination due to sexual orientation brought to our attention for either the general hiring process or the general promotion process. I can further assure you that with our "ombudsman" program of "Scotiaction" there is a very high probability that any problem would surface very quickly.

Lastly, we are aware that a number of our staff are homosexual persons.

Yours very truly,

W.J. Lomax
General Manager
Personnel, Policy & Planning

Atomic Energy
of Canada Limited
Research Company
Head Office

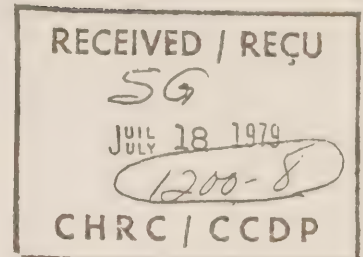
L'Energie Atomique
du Canada, Limitée
Société de Recherche
Siège Social

Ottawa, Canada.
K1A 1E5
Tel: 236-6444
Telex: 053-4867

1979 July 13

00045

Mr. R.G.L. Fairweather
Chief Commissioner
Canadian Human Rights Commission
257 Slater Street
4th Floor
Ottawa, Ontario
K1A 1E1



Dear Mr. Fairweather:

I am replying to your letter of 1979 June 26 referring to the possible inclusion of sexual orientation as a proscribed ground of discrimination under the Canadian Human Rights Act.

Atomic Energy of Canada Limited, Research Company, does not have an official policy with respect to the employment of homosexual persons, however I have been advised that the Company has in the past employed persons who were believed to be homosexuals. Generally we do not concern ourselves with a person's sexual orientation unless a person's work is or could be affected or a disruption in the working environment results or could result.

There is one comment we would like to make at this time regarding the possible implications of including sexual orientation as a proscribed ground of discrimination. Family coverage is available under provincial health insurance plans as well as dental and extended health care plans. In addition, the Public Service Superannuation Plan provides a survivor benefit for the "spouse" of the deceased contributor. We could logically be confronted with an employee request for coverage or benefits for the employee's homosexual spouse. We would not comply with such a request in the present circumstances, but should sexual orientation become a prohibited ground of discrimination, the matter would of course require further consideration.

If I can be of further assistance, please let me know.

Yours very truly,

Wendy Van Lunen

W.J. Van Lunen
Administration Officer

The following motion was CARRIED at the April 1979 meeting of the OSSTF Provincial Council:

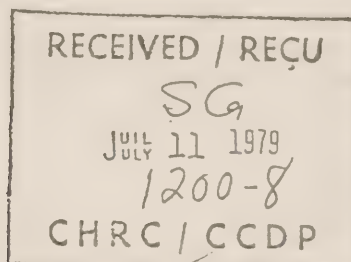
"That OSSTF oppose discrimination on the basis of sexual orientation."

CANADIAN IMPERIAL
BANK OF COMMERCEHEAD OFFICE - COMMERCE COURT
TORONTO, CANADA
M5L 1A2

000017

July 4, 1979 X

Mr R.G.L. Fairweather
Chief Commissioner
Canadian Human Rights Commission
Ottawa, Canada
K1A 1E1



Dear Mr Fairweather:

File out to P. Mercier

We refer to your letter of June 26 directed to Mr J. Coal. In responding to your enquiry on behalf of Canadian Imperial Bank of Commerce, we advise that it has not been the practice to request or otherwise seek information with respect to sexual orientation concerning applicants for employment or employees. Consequently, there has been no action to deny employment opportunity or employment to a homosexual person.

Yours truly

J. R. Cole
Inspector
Personnel Division

Toronto Teachers' Federation

222 Niagara Street

Toronto, Ontario

M6J 2L3

(416) 366-1681

June 1, 1979

Ms. Marjorie Ward
Canadian Human Rights Commission
257 Slater Street
Ottawa, Ontario
K1A 1E1

Dear Ms. Ward:

Thank you for your telephone inquiry concerning our recent policy motion on individual rights.

It was passed by a large majority of our School Representatives at a Representative Assembly meeting held on December 14, 1979.

It reads as follows:

"BE IT RESOLVED THAT every teacher has the right to participate equally in, and have equal opportunity in the teaching profession, regardless of race, colour, creed, political beliefs, private and personal practices, marital status, age, sex, sexual orientation, national origin, ancestry, grade or subject taught."

This clause is now included in the items which we wish to be included in our collective agreement with the Toronto Board of Education.

Thank you for your interest.

Yours sincerely,



Menno Vorster
President



HUMAN RESOURCES POLICY NO. 1.1

- 81 -

POLITIQUE DES RESSOURCES HUMAINES N° 1.1

Effective: 1 May 1978

En vigueur le 1er mai 1978

STAFFING

DOTATION

POLICY

The success of the Canadian Broadcasting Corporation depends largely on the ability to acquire, develop and utilize its human resources. The Corporation will seek to attract and secure the most appropriate people to meet both the short and long term objectives of its mandate.

As opportunities for employment occur, the Corporation will give priority to internal candidates thereby fulfilling its commitment to the development and equitable treatment of its employees. External sources of recruitment will be solicited to the extent needed to ensure a sufficient pool of qualified candidates.

The Corporation will provide for equal opportunity of employment regardless of such considerations as race, national or ethnic origin, colour, religion, age, marital status, sex or sexual orientation, conviction for which a pardon has been granted, and physical handicap.

APPLICATION

1. Recruitment

The Corporation is committed to the development of its employees and, when recruiting, the following internal means of seeking candidates will be given priority:

a) Posting of Vacant Positions:

Following the approval to fill a position the hiring supervisor, in consultation with the Human Resources department, will develop a Selection Profile providing information on both the available position and the candidate sought.

The Human Resources department will then inform employees of the available positions through the standardized strip file posting system inviting them to consult the selection profile and to apply for the opening if qualified. All applicants will be included on the long list of candidates.

POLITIQUE

Le bon fonctionnement de la Société Radio-Canada est intimement lié à l'acquisition, au développement et à l'utilisation efficace de ses ressources humaines. La Société recrute le personnel le plus approprié à l'accomplissement des objectifs à court et long terme de son mandat. La Société respecte ses engagements dans le traitement équitable et dans le développement de son personnel, et de ce fait elle favorise les sources internes de candidats lorsqu'un poste devient vacant. Afin de générer un éventail suffisant de candidats qualifiés favorisant une sélection adéquate, la Société sollicitera aussi des candidatures sur le marché du travail.

La Société offre à tous des droits égaux à l'emploi, indépendamment des considérations fondées sur la race, l'origine ethnique ou nationale, la couleur, la religion, l'âge, le sexe ou la préférence sexuelle, la situation de famille ou l'état de personne graciée et les handicaps physiques.

APPLICATION

1. Processus de recrutement

En considération des engagements de la Société envers le perfectionnement de son personnel, il convient lors d'un recrutement, d'accorder priorité aux sources suivantes de candidatures internes :

a) Affichage des emplois vacants

Après avoir obtenu l'approbation de combler un poste, le superviseur où se trouve l'emploi vacant développe, en consultation avec le service des ressources humaines, un profil de sélection fournissant les informations reliées au poste et au titulaire recherché.

Le service des ressources humaines informe alors les employés des postes vacants par l'entremise du système d'affichage sommaire, les invitant à consulter le profil de sélection et s'ils se qualifient, à poser leurs candidatures. Tous les postulants seront inclus à la liste préliminaire.

City Council, April 5, 1976.

PERSONNEL

53. CIVIL RIGHTS OF HOMOSEXUALS IN CITY EMPLOYMENT (250-02)

Gays of Ottawa submitted a brief to Board of Control requesting support of a resolution to the effect that the City of Ottawa would not discriminate against individuals in matters of employment including hiring, promotion and dismissal, on the basis of sexual orientation.

The Board requested the Commissioner of Personnel Services and City Solicitor to investigate the experience of other municipalities and submitted herewith, in reply, its report dated February 24, 1976.

The Board subsequently requested the aforementioned City Officials to draft a resolution for the consideration of City Council and submitted hereunder is the proposed resolution.

"It is the policy of the City of Ottawa in matters of employment to hire on a basis of merit which shall include a determination of suitability based on education, training, experience and predetermined physical and personal characteristics.

As set forth in collective agreement, the City of Ottawa has policy re affirmation that there shall be no discrimination against any person in the employing or continuing to employ because of race, creed, colour, ancestry, age, sex, marital status, political and religious affiliation or place of residence, and in addition, asserts that there shall be no discrimination on the basis of sexual orientation or physical handicap."

It was found desirable to include a positive statement of employment policy and also to reiterate the anti-discrimination clause found in collective agreements between the City and the Ottawa-Carleton Public Employment Union, Local 503. This statement is reiterated in whole or in part in certain other collective agreements between the City and unions or association representing employees.

Board of Control recommends the foregoing resolution to City Council for approval.

CARRIED.

City Council, April 5, 1976.

PERSONNEL

53. CIVIL RIGHTS OF HOMOSEXUALS IN CITY EMPLOYMENT (250-02)

THE CORPORATION OF THE CITY OF OTTAWA

INTER-DEPARTMENTAL CORRESPONDENCE

250-02

TO	Mr. E. C. Armstrong Secretary Board of Control	DATE	February 24, 1976.
FROM	R. J. Wilson D. V. Hambling	SUBJECT	Civil Rights of Homosexuals in City Employment

You will recall that some time ago, the Cays of Ottawa submitted a brief to the Board of Control requesting that the Board of Control support a resolution to the effect that the City of Ottawa would not discriminate against individuals in matters of employment including hiring, promotion and dismissal, on the basis of sexual orientation.

We were asked to investigate the experience of other municipalities particularly the City of Toronto. We would report that some two years ago, the Council of the City of Toronto in fact did pass a resolution to this effect. It was the intent of their resolution that the implementation would be through the inclusion of the clause in collective agreements.

It is our understanding that an agreement between the Planning Board and its employees does include this provision but, that no other agreement has in fact been executed which includes the provision.

We would point out to the Board of Control that normally rights of this nature are protected through Provincial Human Rights Legislation. The Provincial legislature has not yet seen fit to pass anti-discriminatory legislation based on sexual orientation. If, however, the Board of Control feels that it should support this request, we suggest that it be done through a simple resolution of Council which would then become a guiding principle for the Personnel Department and all Department Heads of the City of Ottawa, in matters of their employment routines and procedures. We would not suggest that there be any attempt to implement a statement of the policy in individual collective agreements. This procedure might in fact frustrate the wishes of Council as indicated in the resolution.

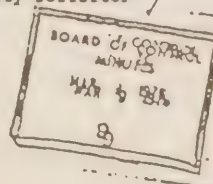
We have checked the experience of American cities and specifically, the City of Detroit. Their approach has been to incorporate in the City Code a Declaration of Rights, of which No. 2, reads as follows:-
"The City has an affirmative duty to secure the equal protection of the law for each person and to insure equality of opportunity for all persons. No person shall be denied the enjoyment of civil or political rights or be discriminated against in the exercise thereof because of race, color, creed, national origin, age, handicap, sex, or sexual orientation."

This, may or may not constitute a specific protection to individuals with regard to employment within the City. The terms would appear to be broad and while they certainly endorse a principle that discrimination should not exist, the statement would not appear to grant any specific rights other than those granted by other State or Federal legislation.

R. J. Wilson
R. J. Wilson
Commissioner
Personnel Services



D. V. Hambling
D. V. Hambling
City Solicitor





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OTTAWA

JOHN R. CYR
COMMISSIONER - COMMISSAIRE

CITY HALL
III SUSSEX DRIVE

HÔTEL DE VILLE
III, PROMENADE SUSSEX

DEPARTMENT OF PERSONNEL SERVICES
SERVICES DU PERSONNEL
(613) 583-3172

K1N 5A1

OUR FILE/NOTRE DOSSIER

June 27, 1979.

Ms. Marjorie Ward,
Canadian Human Rights
Commission,
257 Slater Street,
Ottawa, Ontario.
4th floor,
K1A 1E1

Dear Ms. Ward:

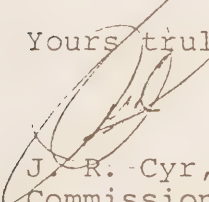
The enclosed policy of April 5, 1976, which I spoke to you about and which you are interested in with respect to sexual orientation.

I further indicated to you that in my capacity as Commissioner of Personnel Services for the last fifteen months and prior to that, in my capacity as Director of Staff Relations for some 7 or 8 years, it had never come to my attention from any employee that in fact they were discriminated against in either job placement or promotion or any other matter because of their sexual orientation.

I further indicated to you that our records do not categorize employees in terms of their sexual orientation and therefore, the unknown factor (numbers) can not be used as an indicator. My observation to you that no complaints have ever been received by myself is rather academic.

Should you require additional information, please call me.

Yours truly,


J. R. Cyr,
Commissioner,
Personnel Services.

Attach.

The gay movement has received support on the sexual orientation issue from the following groups:

Canadian Labour Congress
Canadian Bar Association
Canadian Association of University Teachers
National Association of Women and the Law
Advisory Council on the Status of Women
Planned Parenthood Federation of Canada
Canadian Federation of Civil Liberties and Human Rights
Associations
United Church of Canada
Law Union of Ontario
La Ligue des Droits de l'Homme
Saskatchewan Federation of Labour
Saskatchewan Association on Human Rights

as well as from many union locals from across Canada.

These groups represent a wide cross-section of Canadian society. /
Their support -- probably impossible five years ago -- illustrates the |
change in attitudes toward homosexuality in the last few years. The



3/79

National Gay Task Force

80 Fifth Avenue • New York, New York 10001 • (212) 741-5800

Board Officers

Charles F. Brydon

Kay Whitlock

Richard Cash

Meryl C. Friedman

Co-Executive Directors

Jean O'Leary

Bruce Voeller, Ph. D.

GAY RIGHTS PROTECTIONS IN THE U.S. AND CANADA

<u>DATE ENACTED</u>	<u>MUNICIPALITY</u>	<u>CONDITIONS</u>
1972	Atlanta, Ga.	Municipal employment/Exec. order
2/72 & 1/78	New York City, N.Y.	Municipal employment/Exec. order
5/72	Washington, D.C.	Employment, by Board of Education
11/73	Washington, D.C.	Employment, housing, credit, public accommodations, education
7/72	Ann Arbor, Mi.	Housing, employment, public accommodations
8/72 & 7/78	San Francisco, Ca.	All encompassing
5/73	East Lansing, Mi.	Employment, public accommodations
11/73	Seattle, Wa.	Municipal and private employment
11/73	Toronto, Ont.	Municipal Employment
11/73; 10/78	Berkeley, Ca.	Municipal Employment, employment with private employees under city contract; all encompassing
11/73	Detroit, Mi.	Municipal Employment
1/74	Columbus, Oh.	Employment, housing, public accommodations
3/74	Minneapolis, Mn.	All encompassing
5/74	Alfred, N.Y.	All encompassing
8/74	Palo Alto, Ca.	Inclusion in jurisdiction of human rights commission
11/75	Palo Alto, Ca.	Employment by Board of Education
9/74	Ithaca, N.Y.	Municipal Employment
12/74	Sunnyvale, Ca.	Municipal Employment
12/74	Portland, Or.	Municipal Employment
2/75	Cupertino, Ca.	Municipal Employment
3/75	Mountain View, Ca.	Municipal Employment
3/75	Madison, Wi.	Employment, housing, credit, public accommodations
4/75	Marshall, Mn.	
7/75	Yellow Springs, Oh.	
7/75	Austin, Tx.	Municipal Employment, labor union membership, employment agency referrals

<u>DATE ENACTED</u>	<u>MUNICIPALITY</u>	<u>CONDITIONS</u>
8/75	Santa Barbara, Ca.	Municipal Employment
9/75	Chapel Hill, N.C.	Municipal Employment
11/75	Urbana, Il.	Employment, credit, public accomodations
4/76	Ottawa, Ont.	Municipal Employment
4/76	Boston, Ma.	Municipal Employment (executive order)
4/76	Pullman, Wa.	Municipal Employment
5/76	Amherst, Ma.	All encompassing
5/76	Los Angeles, Ca.	Municipal Employment
1/77	Tuscon, Az.	Employment, housing, public accomodations
3/77	Windsor, Ont.	Municipal Employment
5/77	Iowa City, Ia.	Employment, credit, public accomodations
7/77	Champaign, Il.	Employment, housing, public accomodations
12/77	Aspen, Co.	All encompassing
1/79	Troy, N.Y.	All encompassing
1/79	Detroit, Mi.	All encompassing

<u>DATE ENACTED</u>	<u>COUNTY</u>	<u>CONDITIONS</u>
7/75	Santa Cruz County, Ca.	Affirmative Action Policy
11/75	Howard County, Md.	All encompassing
11/75	Hennepin County, Mn.	
6/78	Ingham County, Mi.	All encompassing

<u>DATE ENACTED</u>	<u>STATE</u>	<u>CONDITIONS</u>
4/76	Pennsylvania	State employment (executive order)
12/77	Quebec, Canada	Employment, public accomodations, housing

STATES WITH NO RESTRICTIONS ON ADULT CONSENSUAL SEX ACTS:

California	Hawaii	Maine	New Mexico	South Dakota
Colorado	Illinois	Nebraska	North Dakota	Washington
Connecticut	Indiana	New Hampshire	Ohio	West Virginia
Delaware	Iowa	New Jersey	Oregon	Wyoming
Alaska	Vermont	Massachusetts		

FROM O.P..A. Council Meeting of June 18th, 1975.

Re: HOMOSEXUALITY AND MENTAL ILLNESS:

MOTION:

1. That there is in our opinion insufficient evidence to see homosexuality as a diagnostic classification.
2. Because of the bias, prejudice and other punitive actions which have been taken toward homosexuals we want to remove any implication of this sort,
3. Therefore, that we as a body agree that we will not use "homosexuality" as a diagnosis on medical forms, insurance forms, or any other matters to do with diagnosing a patient, and to make this Council's views known to the Canadian Psychiatric Association."

Moved by Dr. Cormack, seconded by Dr. Levine.

CARRIED.

189
POSITION STATEMENT ON HOMOSEXUALITY AND CIVIL RIGHTS

Adopted by the APA Board of Trustees, December 15, 1973

(Unanimously with one abstention)

Whereas homosexuality per se implies no impairment in judgment, stability, reliability, or general social or vocational capabilities, therefore, be it resolved that the American Psychiatric Association deplores all public and private discrimination against homosexuals in such areas as employment, housing, public accommodation, and licensing and declares that no burden of proof of such judgment, capacity, or reliability shall be placed upon homosexuals greater than that imposed on any other persons. Further, the American Psychiatric Association supports and urges the enactment of civil rights legislation at the local, state, and federal level that would offer homosexual citizens the same protections now guaranteed to others on the basis of race, creed, color, etc. Further, the American Psychiatric Association supports and urges the repeal of all discriminatory legislation singling out homosexual acts by consenting adults in private.

(The American Psychiatric Association is, of course, aware that many other persons in addition to homosexuals are irrationally denied their civil rights on the basis of pejorative connotations derived from diagnostic or descriptive terminology used in psychiatry and deplores all such discrimination. This resolution singles out discrimination against homosexuals only because of the pervasive discriminatory acts directed against this group and the arbitrary and discriminatory laws directed against homosexual behavior.)

ASSEMBLY - November 3-4, 1973

19.B. Area Council Resolutions and Recommendations

a) Area I Council

1) Action Paper on Sexuality

The following Resolution on Homosexuality and Civil Rights (which in a separate action, Council on Research and Development had referred to the Committee on Psychiatry and the Law) was considered by the Assembly in lieu of the four resolutions proposed by the Area I Council (Area I had agreed to the substitute resolution proposed by Area V):

WHEREAS, Homosexuality per se implies no impairment in judgment, stability, reliability or general social or vocational capabilities,

THEREFORE, BE IT RESOLVED, That the American Psychiatric Association deplores all public and private discrimination against homosexuals in such areas as employment, housing, public accommodations, and licensing, and declares that no burden of proof of such judgment, capacity or reliability shall be placed upon homosexuals greater than that imposed on any other persons; and

FURTHER, The American Psychiatric Association supports and urges the enactment of civil rights legislation at the local, state and federal level that would offer homosexual citizens the same protections now guaranteed to others on the basis of race, creed, color, etc.; and

FURTHER, The American Psychiatric Association supports and urges the repeal of all legislation making criminal offenses of sexual acts performed by consenting adults in private.

(The American Psychiatric Association is, of course, aware that many other persons in addition to homosexuals are irrationally denied their civil rights on the basis of pejorative connotations derived from diagnostic or descriptive terminology used in psychiatry, such as schizophrenia, and deplores all such discrimination. This resolution singles out discrimination against homosexuals only because of the pervasive discriminatory acts directed against this group and the existence of specific laws directed against homosexual behavior.)

A motion, seconded, to reconsider the Area I resolutions was lost. Another motion, seconded, to return the above resolution to the Council on Research and Development was also lost.

ON MOTION, SECONDED,

THE ASSEMBLY APPROVED THE ABOVE RESOLUTION ON HOMOSEXUALITY AND CIVIL RIGHTS AND DIRECTED THAT IT BE PRESENTED TO THE REFERENCE COMMITTEE FOR CONSIDERATION BY THE COMMITTEE ON PSYCHIATRY AND THE LAW.

ANADIAN PSYCHIATRIC ASSOCIATION
SSOCIATION DES PSYCHIATRES DU CANADA

- 91 -

SUITE 103, 225 LISGAR
OTTAWA, ONTARIO K2P 0C6



June 20, 1979.

Miss Marjorie Ward,
Canadian Human Rights Commission,
257 Slater St.,
O t t a w a, Ont.
KIA IEI

Dear Miss Ward,

Further to your telephone conversation with our Executive Secretary, Mrs. Metivier, I now have pleasure in sending you herewith a copy of the American Psychiatric Association's Position Paper on Homosexuality as well as a copy of two motions passed by the Ontario Psychiatric Association in June 1975.

As Mrs. Metivier mentioned, our Association has no position statement on the a/m subject however, in 1975 our Professional Standards and Practice Council recommended the following motion which was approved by our Board of Directors:-

"The Canadian Psychiatric Association deplores any restriction of the civil liberties of any citizen by virtue of that person's sexual orientation, and it further declares that homosexuality per se should place no burden of proof of judgement, capacity or reliability on such persons greater than that imposed on any other individual".

I might add that the matter of homosexuality is presently being reviewed and studied by the Scientific Council of C.P.A.

Yours very sincerely,

S.E. Greben, M.D.
Chairman of the Board of Directors.

(encls.)

/L.Métivier

APPENDIX V HOMOSEXUAL ORGANIZATIONS

COMMUNITY PAGE

The Community Page

The Community Page is a listing of Canadian gay groups which primarily direct themselves toward alleviating or struggling against gay oppression. It includes: democratically constituted organizations; co-operatively-run clubs and community centres; bookstores which sell gay and feminist literature; and non-profit gay periodicals.

If you wish to be listed, send information to The Body Politic, Box 7289, Stn A, Toronto, ON, M5W 1X9. Be sure to notify us of any change in information already listed.

BRANDON

Gay Friends of Brandon, c/o Gays for Equality, Box 27 UMSU, University of Manitoba, Winnipeg, MB, R3T 2N2. PH: (204) 474-8216 between 7:30-10:00 weeknights.

CALGARY

Dignity/Calgary, Box 1492, Stn T, Calgary, AB, T2H 2H7, Ph: (403) 282-0574

Gay Information and Resources, Room 312-223-12 Ave. SW, Calgary, AB, T2R 0G9, PH: (403) 264-3911

Lesbian Drop-In, 338-14 Ave SE, Calgary, AB, T2G 1E2, Wed 8 pm, PH: (403) 266-2552

CORNER BROOK

Community Homophile Association of NFLD (CHAN), Box 905, Corner Brook, NF, A2H 6J2

GOWN (Gay Organization of the Women of Newfoundland) May be contacted at CHAN's address, above.

EDMONTON

Club 70, 10242, 106th St, Edmonton, AB, T5J 1H7, PH: (403) 423-5051

Gay Alliance Toward Equality, Box 1852, Edmonton, AB, T5J 2P2, 10144-101 ST, PH: (403) 424-8361

FREDERICTON

Gay Friends of Fredericton, Box 442, Fredericton, NB, E3B 5A4

GUELPH

Guelph Gay Equality, Rm 221, Univ. Centre, Univ. of Guelph, Guelph, ON, Gayline: (519) 836-4550

Dignity/Montreal, c/o NJ Duffy, CP 154, Iberville, PQ, J2X 4L1

Drop-In Gay, 3419 Simpson St, Montréal, PQ, Fri 7-11 pm

Gay Info, PO Box 610, Stn N.D.G., Montreal, PQ H4A 3R1. PH: (514) 288-1101. Mon-Sat 7-11 PM. Sponsors several groups.

Gayline, (514) 931-8668 or 931-5330, 7 days/wk, 7-11 pm

Gay McGill, University Centre, 3480 McTavish, Montreal, PQ, H3A 1X9

Gay Social Services Project, 4515 St. Catherine W, Montreal, PQ, H3Z 1R9, PH: (514) 934-0721

Lesbian Feminists of Montreal, 3585 St. Urbain, Montreal H2X 2N6. (514) 842-0341. Mon-Thurs 9:30 am. — 5:00 pm. Drop-in Thurs. 8 pm.

Montreal Community Church/ Eglise Communautaire de Montréal, CP 610, Succursale NDG, Montréal, PQ, H4A 3R1, PH: (514) 845-4471

Montreal Lesbian Organization, 3595 St Urbain St, Montreal, PQ, H2X 2N6, PH: (514) 842-4781, Drop-In: Thurs 8 pm

Naches: Gay Jewish Discussion group, Box 298, Stn H, Montreal, PQ, H3G 2K8, PH: Roy (514) 738-9003 OR Harvev 488-0849

Parents of Gays, c/o PO Box 610, Stn N.D.G., Montreal PQ H4A 3R1 Meetings 3rd Tuesday. PH: (514) 288-1101 for Info.

OTTAWA

Gays of Ottawa/Gais de l'Outaouais, Box 2919, Stn D, Ottawa, ON, K1P 5W9, 378 Elgin (2nd floor), Gayline: (613) 238-1717, Business: 233-0152

Gay People of Carleton, c/o CUSA, Carleton Univ., Colonel By Drive, Ottawa, ON, K1S 5B6

Metropolitan Community Church, 254 Cooper, no. 11, Ottawa, ON, K2P 0G4

Lesbians of Ottawa Now (LOON), c/o Ottawa Women's Centre, 821 Somerset St W, Ottawa, ON, K1R 6R4, PH: (613) 233-2560

Gay Youth Group, Church St Community Centre, 519 Church St, Toronto, ON, M4Y 2C9, Meetings: Tues-7:30 pm

Glad Day Bookstore, 4 Collier St (at Yonge), Toronto, ON, M4W 1L7, PH: (416) 961-4161

Hamishpacha (the family), c/o Apt 609, 135 Isabella, Toronto, ON, M4Y 1P3, PH: (416) 961-2664

Harbinger — Lesbian Drop-In, 214 Vanier Res., York Univ., Wed 3-5, PH: (416) 667-3509

Lesbian Organization of Toronto (LOOT), 342 Jarvis St., Toronto, ON, M4Y 2G6, PH: (416) 960-3249.

Metropolitan Community Church, 29 Granby St. Toronto, ON M5B 1H8, Drop-In/Office Mon-Thur 7-10:30; Fri-Sat 7-11:30. Church: (416) 364-9799, Distress Line: 364-9835

Ontario Gay Teachers' Caucus, c/o 193 Carlton Street, Toronto, Ontario, M5A 2K7.

Three of Cups, Women's Coffee House, 342 Jarvis St, Toronto, ON, M5B 27C. PH: (416) 967-2882

TAG, Peer counselling telephone service. Box 6706, Stn A, Toronto, ON M5W 1X5. PH: (416) 964-6600.

Toronto Women's Bookstore, 85 Harbord St, Toronto, ON, M5S 1G5, PH: (416) 922-8744

Wages Due Lesbians, Box 38, Stn E, Toronto, ON, M6H 4E1, PH: (416) 466-7457

VANCOUVER

Dignity/Vancouver, Box 1036, Vancouver, BC, V6B 3X5

Gay Alliance Toward Equality, Box 1463, Stn A, Vancouver, BC, V6C 2P7, PH: (604) 732-6017

Gay People of Simon Fraser, c/o Student Society Simon Fraser University, Burnaby, BC, PH: (604) 291-3181.

Gay People of UBC, Box 9, Student Union Bldg, Univ. of BC, Vancouver, BC, V6T 1W5

Rights of Lesbians Subcommittee BC Federation of Women, 1730 Stephens St., Vancouver, BC, V6K 3V5

APPENDIX V (contd)

HALIFAX

The Alternate Bookshop, Ste 301,
1585 Barrington St, Halifax, NS,
B3J 1Z8

Gay Alliance for Equality, Box 3611,
Halifax South Stn, Halifax, NS, B3J
3K6, Gayline: (902) 429-6969

HAMILTON

McMaster Homophile Assoc., DC1,
Box 44, Stn B, Hamilton, ON L8L
7T5, Gayline: (416) 527-0336

Also at the above address:

Eugene's Disco

Gay Women of Hamilton

Bisexuals of Hamilton (rap group)

KINGSTON

Kingston Women's Centre, 200
Montreal St, Kingston, ON K7K
3G4, PH: (613) 542-5226

Queen's Homophile Assoc., Student
Affairs Centre, 51 Queen's
Crescent, Queen's University,
Kingston, ON, K7L 2S7, PH (613)
347-2836

KITCHENER/WATERLOO

The Women's Place, 42-B King St S,
Waterloo, ON, N2J 1N8, PH: (519)
866-1620

**Waterloo Universities' Gay
Liberation Movement**, Federation
of Students, University of
Waterloo, Waterloo, ON, N2L 3G1,
PH: (519) 885-1211 ex 2372

LONDON

Homophile Assoc. of London, Ont.,
649 Colborne St, London, ON, N6A
3Z2, PH: (519) 433-3762

MISSISSAUGA

Gay Equality Mississauga, Box
193, Stn A, Mississauga, ON, L5A
2Z7

MONTREAL

Androgyny Bookstore, 1217
Crescent St, Montreal, PQ, H3G
2B1, PH: (514) 866-2131

Les Apôtres du Disciple Bien-Aimé,
6581 St. Laurent, Montreal, QUE. PH:
(514) 279-5381

**Association Communautaire
Homosexuelle de l'Université de
Montréal**, CP 755, Outremont, PQ
H2V 4N9

**Association pour les Droits des
Gai(els) du Québec**, CP 36, Succur-
sale C, Montréal, Québec, H2L 4J7,
1264 St-Timothée, (514) 843-8671.

**Centre Homophile Urbain de Mon-
tréal**, 6581 St Laurent, Montréal,
PQ, PH: (514) 279-5381

PETERBOROUGH

Trent Homophile Assoc., Box 1524,
Peterborough, ON, K9J 7H7, 262
Rabidge St, Rm 203, PH:
(705) 742-6229, Wed-Sun

QUEBEC

**Centre Humanitaire d'Aide et de
Libération**, CP 596, Haute Ville, 264
rue des Franciscains, Québec, PQ,
G1R 4S1.

**Comité d'Information Homophile
de Québec**, CP 2113, Terminus Pos-
tal Québec, Québec G1K 7M9 (418)
525-4997

**Service d'Entraide Homophile de
Québec**, CP 596, Haute Ville, 260
rue des Franciscains, Québec, PQ,
G1R 4S1

REGINA

**Atropos Fellowship
Society/Odyssey Club**, Box 3414,
Regina, SK, S4P 3J8

ST. JOHN'S

**Community Homophile Assoc. of
NFLD (CHAN)**, Box 613, Stn C,
St. John's, NF, A1C5K8

SASKATOON

Gay Community Centre, Box 1662,
Saskatoon, SK, S7K 3R8, 310-20th
St E (2nd floor), PH: (306) 652-0972

Also at the above address:
Gay Academic Union, c/o Prof.
Peter Millard

Gay Assoc. of Youth

THOMPSON

Thompson Gay Group, Box 483,
Thompson, MB

THUNDER BAY

Northern Women's Centre, 120 W
Amelia, Box 314, Stn F, Thunder
Bay, ON, P7C 4V9

TORONTO

Catalyst Press, 315 Blantyre Ave,
Scarborough, ON, M1N 2S6

Chatsworth Charitable Foundation,
199 Church St, Toronto, ON, M5B
1Y7, PH: (416) 862-1544

**Community Homophile Assoc. of
Toronto (CHAT)**, 199 Church St
(2nd floor), Toronto, ON, M5B 1Y7,
PH: (416) 862-1544

Dignity, Box 249, Stn E, Toronto,
ON, M6H 4E2

Gay Academic Union, c/o Professor
John Alan Lee, Scarborough
College, U of T, West Hill, ON,
M1C 1A4.

Gay Alliance at York, c/o CYSF,
Central Square, Rm 105, York
University, 4700 Keele St, Downs-
view, ON, M3J 1P3, Office: 216
Vanier College Res., PH: (416) 667-
3509 or 667-3632

Gay Alliance Toward Equality, 193
Carlton St, Toronto, ON, M5A 2K7,
PH: (416) 964-0148

**SEARCH (Society for Education,
Action, Research & Counselling in
Homosexuality)**, Box 48903, Ben-
tall Centre, Vancouver, BC,
V7X 1A8

SEARCH Community Services,
28-44 Seymour St., Vancouver,
B.C. PH: (604) 689-1039

VICTORIA

Victoria Women's Centre, 2658
Roseberry St., Victoria, BC V8R 3T7

WINDSOR

Windsor Gay Unity, Box 7002,
Sandwich Postal Stn, Windsor, ON,
N9C 3Y6, PH: (519) 252-0979

WINNIPEG

Winnipeg Lesbian Society, c/o A
Woman's Place, 143 Walnut St,
Winnipeg, MB, R3G 1P2,
PH: (204) 786-4581

Winnipeg Gay Youth, Box 27,
UMSU, Winnipeg, Manitoba R3T 2N2
PH: (204) 474-8216 Thursday evenings.
Dignity/Winnipeg, Box 1912, Win-
nipeg, MB, R3C 3R2

Gays for Equality, Box 27, UMSU,
University of Manitoba, Winnipeg,
MB, R3T 2N2, PH: (204) 474-8216

NATIONAL/REGIONAL

Canadian Gay Archives, Box 7289,
Stn A, Toronto, ON, M5W 1X9, PH:
(416) 863-6320

Coalition for Gay Rights in Ontario,
193 Carlton St, Toronto, ON, M5A
2K7, PH: (416) 964-0148

**Committee to Defend John
Damien**, Box 117, Stn V, Toronto,
ON, M6R 3A4

Libertarians for Gay Rights, c/o Ian
Young, 315 Blantyre Ave, Scar-
borough, ON, M1N 2S6

NDP Gay Caucus, 163 Rusholme
Rd, Toronto, ON, M6H 2Y6

**National Gay Rights
Coalition/Coalition National pour
les Droits des Homosexuels
(NGRC/CNDH)**, CP 2919, Succur-
sale D, Ottawa, ON, K1P 5W9, PH:
(613) 233-0152

Unitarian Universalist Gay Caucus,
c/o Elgin Blair, Box 6248, Stn A,
Toronto, ON, M5W 1P6

PUBLICATIONS

After Stonewall, c/o Davis, Box
2051, 266 Graham, Winnipeg, MB,
R3C 3M2

The Body Politic, Box 7289, Stn A,
Toronto, ON, M5W 1X9

Gay Tide, Box 1463, Stn A, Van-
couver, BC, V6C 2P7

NGRC Forum/Forum de la CNDH,
CP 36, Succursale C, Montréal,
PQ H2L 4J7

APPENDIX VI

Some Instances of Discrimination

Sources:

- Briefs to Provincial Commissions
- Newspaper articles
- Personal interviews
- Ville Marie Social Service Centre

INSTANCES OF ALLEGED DISCRIMINATION

Province	Date	Employment	Housing	Facilities/Services
Ont.	1977			Frontenac County Board of Education instructed principals not to allow homosexual speaker to appear
Ont.	Apr. 1976			Moffitt printers refused to print business cards
Ont.	1977			I. Eaton refused to permit use of their mannequins in Ontario Arts Council Funded Film.
Ont.	Jan. 1978			Gay Social Group refused permission to rent.
Ont.	Jan. 1978			Mississauga Library Bd. refused to show film which CBC had aired
Sask.	Sept. 1975	Doug Wilson denied right to supervise practice teaching of his students		
Sask.	May 1978	Prince Albert man fired from store		
Ont.	May 1977	Barbara Thornborrow expelled from military		

INSTANCES OF ALLEGED DISCRIMINATION

Province	Date	Employment	Housing	Facilities/Services
Ont.	July 1977	Gloria Cameron expelled from Armed Forces		
Ont.	Nov. 1977	John Argue threatened with dismissal from Glenview Public School		
B.C.	Feb. 1979	Bill Keetch - Community Service Officer denied employment		
Ont.	Feb. 1975	John Damian - fired as a racing steward		Body Politic refused office space
Ont.	June 1974		Lesbian and her lover refused family unit by Ontario Housing Landlord increased rent of 4 lesbians because "lesbians should pay more"	
Ont.	Nov. 1976		Lesbian couple denied room at York University	
Ont.	Nov. 1977		Lesbian couple evicted from apartment	

INSTANCES OF ALLEGED DISCRIMINATION

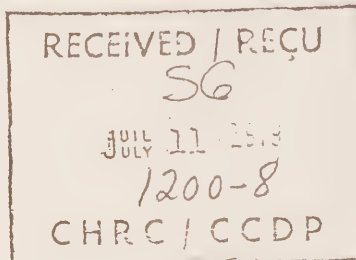
Province	Date	Employment	Housing	Facilities/Services
Ont.	Dec. 1977		Phil Bryce evicted from apartment	4 lesbians evicted from tavern
Ont.	Jan. 1974			Male homosexuals evicted from Manny's Delicatessen
Ont.	March 1974			Male couple refused OHIP reimbursement
Ont.	Sept. 1974			Oakwood School Teachers revoked decision to have homosexual speaker
Ont.	1974			

Centre de Services Sociaux Ville Marie
Ville Marie Social Service Centre

SUCCURSALE CENTRE VILLE • CENTRE CITY AREA SERVICE CENTRE
5 WEREDALE PARK, MONTREAL, QUEBEC H3Z 1Y5 • (514) 937-9581



000027



X July 9, 1979.

Marjorie Ward
Canadian Human Rights Commission
257 Slater
Ottawa, Ontario.
K1A 1E1

File out to P. Markier

Dear Ms. Ward,

Subsequent to our telephone conversation, I have looked through my cases and have documented the following cases of discrimination:

- 1) an adolescent who was advised to leave school at age 15 because the school could not "handle" his being gay;
- 2) an adult gay male who was beaten, held incommunicado and denied medical attention after being arrested by police on a non-gay related issue and after their discovering his being gay;
- 3) an adult male who has been threatened with loss of his teaching job;
- 4) an adult male who was harrassed by his landlord after it was discovered he was gay and finally had to break his lease;
- 5) several people who received abuse and inadequate professional attention from medical facilities after requested treatment for V.D.;
- 6) a gay male who was fired from his job for a petty infraction and whose boss subsequently told another employee it was because he was gay;
- 7) a student whose principal attempted to deprive him of his high school diploma because he was a "disgrace" to the school.

.../2

Those are the cases of which I am currently aware. As you may know, the ability of gay people to "pass" as heterosexual is a mixed Blessing. It means that most gay victims of discrimination are not willing to make an issue of such discrimination, as such action necessitates disclosure that could, in turn, lead to further discrimination. Accordingly, it is often more difficult for the gay person to deal with and document discrimination than it would be for other minorities.

Thank you for your interest.

Yours truly,

Bruce Garside / per P.S.

Bruce Garside, PSW
Gay Social Service Project
Ville Marie Social Service Centre
Centry City - Area Service Centre

BG/ps

P.S. My secretary will be sending this when I am away on vacation, so I am asking her to initial it for me and have not been able to sign it myself.

